

REMARKS

Initially, Applicants express appreciation to the Examiner for the courtesies extended during the recent in person interview with Applicants' representatives. The amendments and remarks made by this paper are consistent with the proposals discussed during the interview and which were generally found to overcome the art and rejections of record.

By this response, claims 1, 15, 17, 19, 20, 21, 27, 30, and 37 are amended, while claims 14, 16, 29, 35, and 36 are canceled, and claim 39 is added.<sup>1</sup> Claims 1-13, 15, 17-28, 30-34, and 37-39 are pending of which claims 1, 20, 21, and 37 are independent.

The Non-Final Office Action, mailed February 6, 2008, considered claims 1-38. Claims 1-10, 14, 17-23, 25-33 and 35-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Murto et al. in US Patent Application Publication US 2004/0213409 A1, hereafter referred to as "Murto". Claims 11-13, 15-16, 24 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murto in view of Official Notice.

Claim 30 was also rejected under 35 U.S.C. § 112 for being indefinite because "the selection" lacks antecedent basis. This claim was erroneously made dependent upon claim 27. The claim has now been amended to be dependent upon claim 21 and to recite that the selection is of the first and second access points as recited in claim 21.

Claims 20 and 35-38 were also rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Claim 20 has been amended to limit the claim to computer readable storage media, claims 35 and 36 have been canceled and independent claim 37 has been amended to recite memory which is a hardware structure. Applicant therefore submits that all of the §101 rejections are now moot.

As discussed during the interview, the present invention is generally directed to embodiments for managing access points to distributed services. To access a service, a client application provides search criteria to a management component. The management component sends a request including the search criteria to a service registry which responds with access points to services that match the criteria. The management component caches these access points. The client application may then request an access point and in response, the management component provides one of the access points

<sup>1</sup> Support for these amendments can be found in paragraphs 39, 55, and 56. Support for new claim 39 can be found in paragraphs 5, 33, and 35.

received. If the distributed service associated with the access point fails, the client application may notify the management component. The management component will then provide a second access point and mark the first access point as having failed so that it will not be subsequently provided to the client application. *See ¶¶ 5-8.* The method of claim 1 illustrates this process. Claim 20 is a computer readable medium claim that performs the method of claim 1. Claims 21 and 37 are both system claims that have components for performing each of the steps of the method of claim 1.

Each of the independent claims was rejected as being anticipated by Murto. Applicant submits, however, that in view of the current amendments, Murto fails to teach or suggest each of the limitations of the independent claims.

Murto is directed to embodiments for enabling a mobile phone to access distributed services. Although the underlying method of accessing these services in Murto is similar to the present invention, Murto fails to teach or suggest various limitations. For example, Murto fails to teach or suggest: upon receiving information from the program that a distributed service has failed, selecting a second access point from the cache and returning data corresponding to the second access point to the program, and marking the access point corresponding to the failed distributed service such that the access point is not subsequently selected from the cache.

Murto addresses responding to failures when a phone attempts to access a web page using cached UDDI data: “[I]f the bindingTemplate is used to contact services directly at the accessPoint, and a failure occurs, the terminal will typically use the bindingTemplate ID to fetch new bindingTemplate information from the UDDI registry, assuming that the new information is up-to-date in relation to the service.” ¶¶ 80-81. This failure may occur because the phone is using a “cached URL to access the desired web pages”. ¶ 81. If a business changes its URL, the old cached URL that the phone is using will not work. In this scenario, Murto teaches accessing the UDDI registry to “fetch new bindingTemplate information” which contains the current URL for accessing the web page. *See ¶ 62* (The bindingTemplate provides the URL for services offered by a business). Therefore, with regards to a failure, Murto only teaches that the phone may request updated information corresponding to the same service that has failed – it does not teach or suggest selecting a second access point from the cache and returning data corresponding to the second access point to the program. For the same reasons, Murto fails to teach or suggest marking the access point

corresponding to the failed distributed service such that the access point is not subsequently selected from the cache.

In view of the foregoing, as well as for the other reasons discussed during the interview, Applicant respectfully submits that the other rejections to the claims are now moot and such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.<sup>2</sup> For example, there are many limitations presented in the dependent claims that further distinguish the claims from the cited art, including, but not limited to the limitations presented in claim 39 wherein each of the distributed services provides a service that matches the specified criteria such that any one of the distributed services is interchangeable with another of the distributed services.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 6<sup>th</sup> day of May, 2008.

Respectfully submitted,



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<sup>2</sup> Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.